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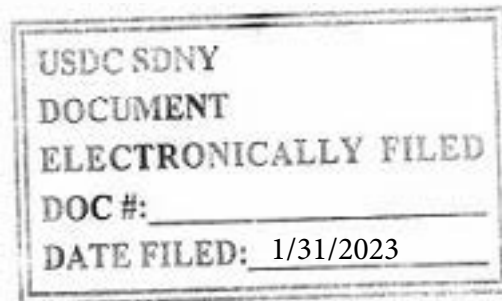
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MEMO ENDORSED

January 31, 2023

Via ECF

Hon. Nelson S. Roman
United States District Judge
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601



Re: **Tasjawn White v. City of Mount Vernon, et al.**
19-CV-853 (NSR)(JCM)

Dear Judge Roman,

The Quinn Law Firm represents the defendants in the above-referenced action. We are writing to respectfully request an adjournment of the Case Management Conference currently scheduled for tomorrow, February 1, 2023 at 10:00 am. D.E. 23. We apologize to the Court for the last-minute nature of the request.

Plaintiff Tasjawn White ("plaintiff") is proceeding *pro se* and is currently incarcerated at Upstate Correctional Facility, located in Malone, New York. On June 24, 2022, the Court referred the case to Magistrate Judith C. McCarthy for general pretrial purposes. D.E. 24. The parties have generally completed discovery and the only outstanding item is plaintiff's deposition.

On January 17, 2023, Magistrate McCarthy issued an order requiring plaintiff to be produced for a remote deposition on January 27, 2023, at 11:00 a.m. D.E. 46. All necessary arrangements were made to take plaintiff's deposition remotely as ordered by the Court. However, when notified by prison officials, that it was time for him to appear, plaintiff refused. We asked Offender Rehabilitation Coordinator Cheryl Dumas to separately explain to Mr. White that his failure to appear at his deposition could jeopardize his rights in his lawsuit. She did so, and then reported to us, on the record and under oath, that having been so advised Mr. White still refused to participate.

Given Mr. White's refusal to appear at a Court-ordered deposition, we filed a letter motion for a conference on January 27, 2023 (D.E. 54), requesting a briefing schedule to file a motion to dismiss his case. *See* Fed. R. Civ. P. 37(b). On January 27, 2023, Magistrate McCarthy scheduled a telephone conference for February 10, 2023 at 10:30 a.m.

Considering the pending telephone conference with Magistrate McCarthy and the outstanding issue of plaintiff's deposition, we respectfully request that the Court adjourn the case management conference to a date *sine die* to allow for the remaining discovery issues to be resolved. This is defendants first request for an adjournment of the case management conference. Defendants have not determined whether *pro se* plaintiff consents to the instant request as plaintiff is currently incarcerated at Upstate Correctional Facility.

Defendants thank the Court for its consideration of the instant request and again apologize for the lateness of the application.

Respectfully submitted,

THE QUINN LAW FIRM, PLLC
Attorneys for Defendants

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CC:

Via USPS Certified Mail
Mr. Tasjawn White
DIN#21A0185
Upstate Correctional Facility
309 Bare Hill Road
P.O. Box 2000
Malone, NY 12953

In light of ongoing discovery issues pending before Judge McCarthy, Defts' request to adjourn the telephonic Status Conf. from Feb. 1, 2023 until Mar. 28, 2023 at 11:00 am is GRANTED. The parties are directed to this Court's Order at ECF No. 23 for dial-in instructions. It is Defts. counsel's responsibility to make prior arrangements with the appropriate facility to have the Plaintiff participate via telephone. Clerk of Court is directed to mail a copy of this Order to *pro se* Plaintiff at the address on ECF, to show service on the docket and to terminate the motion at ECF No. 56.

**Dated: White Plains, NY
January 31, 2023**

SO ORDERED:



**HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE**